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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

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6 JAMES KW MATLEAN,

7 Plaintiff,

8 v.

9 JAMES DZURENDA, et al.,

10 Defendants.
11

Case No. 2:17-cv-01461-KJD-CWH

ORDER

12 Presently before the court is Nevada state-prison inmate James Matlean's Request for an
13 Extension of Time to File Response to Defendants Motion for Summary Judgment, Admissions,
14 Interrogatories, and Summons (ECF Nos. 32, 33), filed on April 4, 2019. Defendants Romeo
15 Aranas, Sonya Carrillo, Frank Dreesen, James Dzurenda, Ben Gutierrez, David Mar, and David
16 Tristan filed a response (ECF No. 34) on April 16, 2019. Matlean did not file a reply.

17 Matlean moves for a 60-day extension of time to serve summonses, respond to
18 defendants' motion for summary judgment, to respond to discovery, and to serve summonses on
19 Jo Gentry, Dr. Koehn, Dr. Vicuna, and SL Clark, stating that he was placed in segregation on
20 January 16, 2019, and he did not have access to his legal documents. Matlean also requests a
21 court order requiring Saguaro Correctional Center to give Matlean all of his legal work within 15
22 days. Defendants do not oppose Matlean's requests for extensions, which constitutes a consent to
23 the granting of the motion. LR 7-2(d). But defendants respond that the court should not enter an
24 injunction requiring non-party Saguaro Correctional Center to take any action in this case.
25 Matlean filed a response to the motion for summary judgment on April 29, 2019. (Resp. to Mot.
26 for Summ. J. (ECF No. 35).)

27 Given that defendants do not oppose Matlean's request for an extension of time to serve
28 the summonses and to respond to the motion for summary judgment, the court will grant those

1 motions. Matlean's response (ECF No. 35) to the motion for summary judgment is deemed
2 timely. The court also will allow Matlean to serve the summonses, which will be addressed in
3 detail in a separate order. To the extent Matlean moves to extend time to respond to outstanding
4 discovery, however, the motion is denied without prejudice, as it is unclear to the court exactly
5 what discovery is at issue.

6 As for Matlean's request that the correctional facility be required to release his legal
7 documents, it appears to the court the request may be moot because Matlean attaches various
8 documents to his response to the motion for summary judgment.¹ The court therefore will deny
9 his motion without prejudice to the extent he seeks an order requiring the correctional facility to
10 provide his legal work to him.

11 IT IS THEREFORE ORDERED that James Matlean's Request for an Extension of Time
12 to File Response to Defendants Motion for Summary Judgment, Admissions, Interrogatories, and
13 Summons (ECF Nos. 32, 33) is GRANTED in part and DENIED in part as stated in this order.

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15 DATED: July 24, 2019

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C.W. HOFFMAN, JR.
UNITED STATES MAGISTRATE JUDGE

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26 ¹ On March 4, 2019, Matlean moved to voluntarily dismiss the case, stating that he was
27 placed in segregation on January 16, 2019, and that all his documents related to this case were
28 lost. It is unclear to the court whether Matlean still seeks this relief, as he ultimately opposed the
motion for summary judgment and provided documents in support of his motion for summary
judgment. Matlean's motion to voluntarily dismiss the case is pending before the United States
district judge assigned to this case and will be addressed in due course.